

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION**

)
) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
) **Subcategory Case No. 06-11337**
)

THIS DOCUMENT RELATES TO:

) **Hon. Patti B. Saris**
)

)
) *State of California ex rel. Ven-A-Care of the Florida*
) *Keys, Inc. v. Abbott Labs, Inc. et al.,*
) Civil Action No. 03-11226-PBS
)
)
)

**DECLARATION OF PHILIP D. ROBBEN IN FURTHER SUPPORT
OF DEFENDANTS' MOTIONS FOR PARTIAL SUMMARY JUDGMENT**

PHILIP D. ROBBEN declares, pursuant to 28 U.S.C. § 1746, that:

1. I am a member of the law firm of Kelley Drye & Warren LLP, counsel to Mylan Inc., Mylan Pharmaceuticals Inc., Dey L.P. and Dey, Inc. I am admitted to practice law in the State of New York and have been admitted *pro hac vice* in this action.
2. I make this Declaration in further support of Defendants' Motions for Partial Summary Judgment.
3. The basis for my knowledge is my review of the files maintained by Kelley Drye & Warren LLP as part of its representation of Defendants, including the documents attached hereto, and my own personal knowledge of the facts and circumstances set forth herein.
4. Attached hereto as Exhibit 58 is a true and correct copy of excerpts from the deposition of Jeffrey Leitzinger, taken on September 23, 2009.
5. Attached hereto as Exhibit 59 is a true and correct copy of excerpts from the deposition of Jeffrey Leitzinger, taken on September 24, 2009.

6. Attached hereto as Exhibit 60 is a true and correct copy of excerpts from the deposition of Stanley Rosenstein, taken on November 6, 2008.

7. Attached hereto as Exhibit 61 is a true and correct copy of the U.S. Department of Health and Human Services Office of Inspector General report entitled Cost Containment of Medicaid HIV/AIDS Drug Expenditures (OEI-05-99-00611), dated July 2001, previously marked as Exhibit Abbott 121.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on January 15, 2010.

/s/Philip D. Robben

Philip D. Robben

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on January 15, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/Philip D. Robben

Philip D. Robben